IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Gaydos, *et al.*	)	Art Unit: **2141**
	)	
Application No. **10/611,360**	)	Examiner: **Djenane M. Bayard**
	)	
Filing Date: **June 30, 2003**	)	Confirmation No. **2659**
	)	
For: METHOD, APPARATUS, AND SYSTEM FOR	)	
ASYMMETRICALLY HANDLING CONTENT	)	
REQUESTS AND CONTENT DELIVERY	)	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Customer Number 23859

Sir:

The Appellant submits this brief in connection with the above-identified patent application ("Application"). In view of this brief, the Appellant respectfully requests reversal of the rejections and allowance of the pending claims.

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(1) REAL PARTY IN INTEREST

The real party in interest is Concurrent Computer Corporation, assignee of the Application.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to Appellant or the undersigned.

(3) STATUS OF CLAIMS ON APPEAL

Claims 1-57 stand finally rejected by the Examiner in a final Office Action mailed March 20, 2006 ("Final Office Action"). The rejection of claims 1-57 is being appealed.

(4) STATUS OF AMENDMENTS

No amendments have been filed subsequent to the pending final rejection of claims 1-57.

(5) SUMMARY OF THE INVENTION

Claim 1 recites a method for handling content request and delivery, comprising the steps of: receiving at least one request for content sent upstream from at least one user over a first network (page 3, lines 11-12; Fig. 2; page 5, lines 3-12; Fig. 6; and page 11, lines 16-19); sending the request for content upstream from a content server to a content library over a second network (page 3, lines 13-14; Fig. 2; page 6, lines 15-27; page 8, line 23 to page 9, line 26; Fig. 4; Fig. 6; and page 11, line 19); receiving content retrieved from the content library, based on the request, and sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network (page 3, lines 13-18; Fig. 2; page 7, lines 1-4; page 8, lines 13-22; Fig. 6; and page 11, lines 20-24); and processing the retrieved content for delivery downstream to the user (page 3, lines 19-22; Fig. 6; and page 11, lines 24-27).

Claim 20 recites an apparatus for handling content request and delivery, comprising: means for receiving at least one request for content sent upstream from at least one user over a first network (page 3, lines 11-12; Fig. 2; page 5, lines 3-19; page 6, lines 15-27; Fig. 4; and page 9, lines 8-26); means for sending the request upstream from a content server to a content library

over a second network (page 3, lines 13-14; Fig. 2; and page 6, lines 15-20); means for receiving content retrieved from the content library based on the request and sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network (page 3, lines 13-18; Fig. 2; page 7, lines 1-4; page 8, and lines 13-22); and processing means for processing the retrieved content for delivery to the user (page 3, lines 19-22).

Claim 39 recites a system for handling content request and delivery, comprising: a first network over which at least one request for content is received upstream from at least one user (page 3, lines 11-12; Fig. 2; page 5, lines 3-19; Fig. 4; and page 9, lines 8-26); at least one content server for receiving the request for content sent upstream from the user over the first network (page 3, lines 13-14; Fig. 2; page 6, lines 15-27; page 8, line 23 to page 9, line 26; and Fig. 4); a second network over which the request is sent upstream from the content server to a content library, the content library for receiving the request sent upstream from the content server, wherein content is retrieved from the content library based on the request (page 3, lines 13-14; Fig. 2; and page 6, lines 15-20); and a third network for delivering the retrieved content from the content library downstream to the content server, wherein the content server processes the retrieved content for delivery downstream to the user (page 3, lines 13-22; Fig. 2; page 7, lines 1-4; and page 8, lines 13-22).

(6) ISSUES ON APPEAL

Whether claims 1, 4, 8-9, 13-14, 18-20, 23, 27-28, 32-33, 37-39, 42, 46-47, 51-52, and 56-57 are anticipated by U.S. Patent Pub. No. 2004/0187159 to Gaydos ("Gaydos") under 35 U.S.C. §102(e); whether claims 2-3, 5, 10-12, 21-22, 24, 29-31, 40-41, 43, and 48-50 are obvious under 35 U.S.C. § 103(a) over Gaydos in view of U.S. Patent Pub. No. 2005/0044166 to Colville ("Colville"); whether claims 6, 25, and 44 are obvious under 35 U.S.C. § 103(a) over Gaydos in view of U.S.P.N. 5,828,403 to DeRodeff ("DeRodeff"); and whether claims 15-17, 34-36, and 53-55 are obvious under 35 U.S.C. § 103(a) over Gaydos in view of U.S. Patent Pub. No. 2003/0140257 to Peterka ("Peterka").

(7)   GROUPING OF CLAIMS

Independent claims 1, 20, and 39 stand or fall together. The remainder of the claims do not stand or fall together, but are argued separately below, under separate headings.

(8)   ARGUMENTS

A.   Rejections Under 35 U.S.C. 102(e) Over Gaydos

Claims 1, 4, 8-9, 13-14, 18-20, 23, 27-28, 32-33, 37-39, 42, 46-47, 51-52, and 56-57 are rejected under 35 U.S.C. §102(e) as anticipated by Gaydos. Reversal of these rejections is requested for at least the reason that Gaydos does not teach or disclose every element of the independent claims of claims 1, 20, and 39.

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. W.L. Gore & Assoc., Inc., v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475 (Fed. Cir. 1994). For anticipation, there must be no difference between the claimed invention and the reference disclosure as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Res. Found. v. Genentech. Inc., 927 F.2d 1565, 18 (Fed. Cir. 1991).

Independent Claims 1, 20, and 39

As an initial matter, the Appellant would like to note that the rejection of claim 1 on pages 2-3 of the Final Office Action does not consider the amendments to claim 1 made in the Response to Office Action mailed January 5, 2006 ("Response"). Specifically, the Final Office Action addresses the step of "sending the request for content upstream to a content library over a second network," while claim 1 presently recites "sending the request for content upstream from a content server to a content library over a second network."

Similarly, the Final Office Action addresses the step of "receiving content retrieved from the content library, based on the request, and sent downstream from the content library over a third network, wherein the third network is distinct from the second network," while claim 1 presently recites "receiving content retrieved from the content library, based on the request, and

sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network." Accordingly, claim 1 is allowable for at least the reason that the Final Office Action does not show where or how each and every element of claim 1 is taught or disclosed by Gaydos.

Claim 1 provides a method for handing content request and delivery that recites the use of a second network to carry a request for content upstream from a content server to a content library. Claim 1 also recites the use of a third network for sending content downstream from the content library to the content server, wherein the second and third networks are distinct.

Claim 1 recites in relevant part:

> sending the request for content upstream from a content server to a content library over a second network;
>
> receiving content retrieved from the content library, based on the request, and sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network; and (Emphasis added).

As seen above, claim 1 recites sending the request for content upstream from a content server to a content library over a second network, and recites receiving content retrieved from the content library, based on the request, that is sent downstream from the content library to the content server over a third network.

To support a rejection of claim 1 as anticipated by Gaydos, the Final Office Action on pages 2-3 states that:

> AS per claim 1, 20, and 39, Gaydos, Jr. et al teaches a video on demand system for use in a distributed network environment. Furthermore, Gaydos, Jr. et al teaches a method for handling content request and delivery, comprising the steps of: receiving at least one request for content sent upstream from at least the one user over a first network (See page 2, paragraph [0029], *a subscriber device is a device used by the end-user to specify the desired video content and/or to receive video content for viewing*);
>
> sending the request for content upstream to a content library over a second network (See page 3, paragraph [0031]);

receiving content retrieved from the content library, based on the request, and sent downstream from the content library over a third network, wherein the third network is distinct from the second network; and processing the retrieved content for delivery downstream to the user (See page 3, paragraph [0031], *Gaydos, Jr. et al teaches three different network links, 135, 140, and 150*).

The cited language from Gaydos discloses:

[0029] FIG. 1 illustrates a Video On Demand (VOD) system 100 in accordance with the present invention. Servers 110, 115, 120, are capable of storing quantities of data, including but not limited to video content and other types of content. In the exemplary embodiment, these servers are video servers and are used to store, manage, and deliver quantities of video in the form of video content files across an interactive network upon the request of a subscriber. The video servers may store the content or the content may be stored on a storage drive coupled to a video server. For ease of description, the term video server as used herein shall include both of these configurations. The interactive network 135, 140, 150 may be any type of network capable of transferring data electronically such as, but not limited to, cable networks, ATM networks, the Internet, wireless networks, Telco networks, satellite networks, or any combination thereof. A subscriber device 130 is a device used by the end-user to specify the desired video content and/or to receive the video content for viewing. The network equipment 105, 110, 115, 120, 125 provides the managing, processing, and modulation, as appropriate, for the delivery of the video content across the network to the subscriber device 130, such as, but not limited to, a set-top-box, personal computer, lap-top, personal digital assistant, cellular phone or the like that is connected to the network. For case of explanation, this description shall use the terminology for a cable network. However, although the terminology might be different, the invention is easily implemented on other types of networks. Cable networks (and other networks) are typically divided into distinct geographical areas ("Systems") serving subscribers in the areas. In large regions such as the United States there are typically Multiple System Operators ("MSOs"), each operating multiple Systems. The term "System" generally means a regional network serving a defined area. For example, an "Atlanta System" would serves subscribers in and around the metropolitan area of Atlanta, Ga. Similarly, a "Tampa" System, would serves subscribers in and around metropolitan area of Tampa, Fla.

[0031] As shown in FIG. 1, a Content Management System (CMS) 105 manages the storage of the content files across the network containing the VOD system. It should be understood that FIG. 1 is a functional drawing, not a literal drawing, as the functions reflected may be integrated as part of other specified functions. The CMS 105 is connected to and in communication with the VOD server 110 and it receives, stores and maintains information about the content files. The CMS is capable of receiving and processing up-stream information received from subscribers and stores and maintains such information. Network 150 may be a downstream link or may be a bidirectional link. Likewise, link 135 may be an upstream link or may be a bidirectional link. Thus, the information may be transferred via the network 150 and link 140, or via the link 135, as desired.

The Final Office Action only provides conclusory assertions regarding how the cited language from Gaydos discloses the sending and receiving content steps of claim 1. To this end, Figure 1 of Gaydos is helpful to develop a clear understanding of what paragraphs [0029] and [0031] of Gaydos actually disclose. Figure 1 of Gaydos discloses:
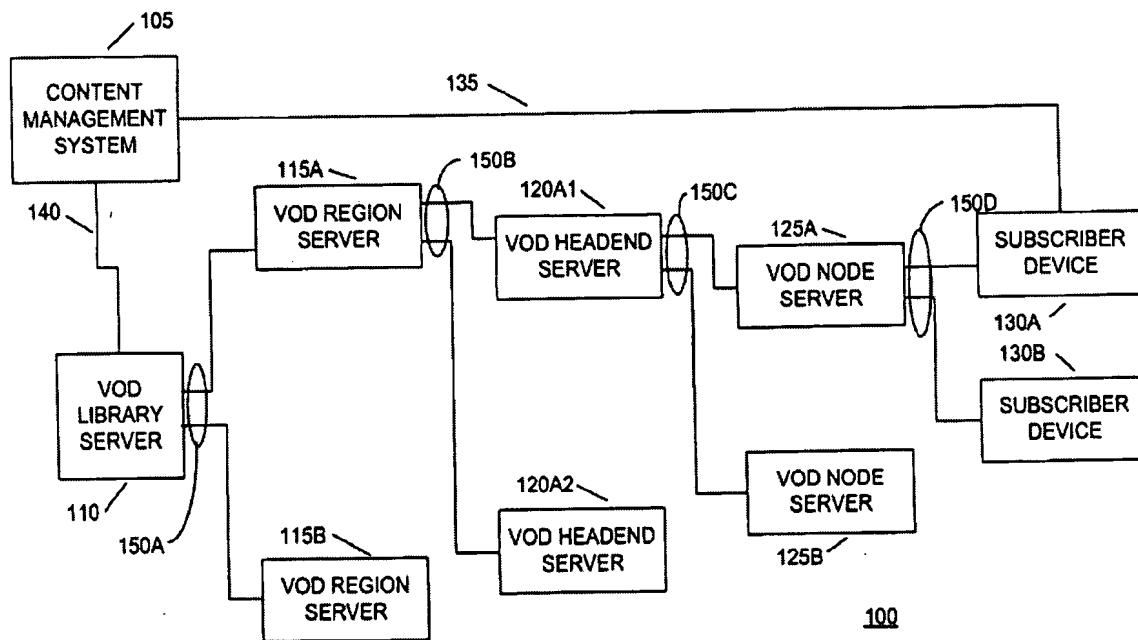

FIG. 1

As seen in Figure 1, the SUBSCRIBER DEVICE 130A specifies desired content using upstream link 135 that is connected to the CONTENT MANAGEMENT SYSTEM 105. Gaydos at [0029], [0031]; and Fig. 1. The desired content can then be sent from VOD REGION

SERVER 115A to the SUBSCRIBER DEVICE 130A using downstream links 150A, 150B, 150C, and 150D. Id. Claim 1, in contrast, recites sending the request for content upstream from a content server to a content library over a second network and receiving content sent from the content library to the content sever over a third, distinct network.

The Final Office Action emphasizes on page 3 that Gaydos discloses "three different network links." The Appellant would correspondingly like to emphasize that claim 1 does not simply claim "three different network links," but rather recites sending the request for content upstream from a content server to a content library over a second network, and receiving content sent from the content library to the content sever over a third, distinct network. Accordingly, the Appellant respectfully asserts that claim 1 is allowable for at least the reason that Gaydos does not teach or disclose sending the request for content upstream from a content server to a content library over a second network and receiving content sent from the content library to the content sever over a third, distinct network as recited in claim 1.

Independent claims 20 and 39 are allowable for at least the reasons given for the allowability of claim 1.

Dependent Claims 4, 8-9, 13-14, 18-19, 23, 27-28, 32-33, 37-38, 42, 46-47, 51-52, and 56-57

Claims 4, 8-9, 13-14, 18-19, 23, 27-28, 32-33, 37-38, 42, 46-47, 51-52, and 56-57 are allowable for at least the reason that each depends directly or indirectly from an allowable independent claim.

B.   Rejections Under 35 U.S.C. 103(a) Over a Primary Reference to Gaydos

Claims 2-3, 5, 10-12, 21-22, 24, 29-31, 40-41, 43, and 48-50 are rejected under 35 U.S.C. § 103(a) as obvious over Gaydos in view of Colville. Claims 6, 25, and 44 are rejected under 35 U.S.C. § 103(a) as obvious over Gaydos in view of DeRodeff. Claims 15-17, 34-36, and 53-55 are rejected under 35 U.S.C. § 103(a) as obvious over Gaydos in view of Peterka.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 493 (Fed. Cir. 1991).

Reversal of each obviousness rejection is requested because the cited references do not disclose every element of claims 2-3, 5, 10-12, 21-22, 24, 29-31, 40-41, 43, and 48-50, for at least the reason that Gaydos does not disclose every element of the independent claims of claims 1, 20, and 39.

Reversal of each obviousness rejection is also requested for at least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c), which states:

> (1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Gaydos and the Application have different inventive entities. Gaydos has a priority date of March 19, 2003, and was published on September 23, 2004. The Application has a priority date of June 20, 2003. Thus, Gaydos is prior art only under 35 U.S.C. § 102(e) because Gaydos has an earlier priority date than the Application but was published after the Application was filed.

Gaydos and the Application were, at the time the Application was made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, the Appellant makes the required statement:

> **The Application and Gaydos were, at the time the invention of the Application was made, both owned by or under an obligation to assign to Concurrent Computer Corporation.**

Thus, since Gaydos is used as the primary reference in each obviousness rejection, the Appellant request reversal of each obviousness rejection for at least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c).

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Dependent Claim 2

Claim 2 is rejected as obvious over Gaydos in view of Colville. Claim 2 recites:

> The method of claim 1, wherein the step of processing comprises buffering the retrieved content.

Claim 1, from which claim 2 depends, recites in relevant part:

> processing the retrieved content <u>for delivery downstream to the user</u>. (Emphasis added).

Thus, when claim 2 is read in view of the claim from which it depends, it is clear that the retrieved content is buffered <u>for delivery downstream to the user</u>.

To support a rejection of claim 2, the Final Office Action states on page 5 that:

> Colville et al teaches a startup method and apparatus for use in streaming content. Furthermore, Colville at al teaches buffering the retrieved content (See page 4, paragraph [0048]).

The cited language from Colville discloses:

> [0048] Media client 224 requires buffering of the streaming data for a variety of reasons. For example, buffering allows client device 206 to request and successfully obtain retransmissions when content packets are lost without impacting continuous playback. Buffering also allows playback to be smooth on networks that have jitter or inconsistent bandwidth response. Highly efficient compression technology often requires a significant duration of content (e.g., an entire frame or more) to be present on the client before decompression can begin. <u>All of these issues contribute to the necessity of buffering content by media client 224</u>. (Emphasis added).

As seen above, the cited language from Colville discloses a <u>media client</u> that buffers content. The invention of claim 2, in contrast, recites that content is buffered for delivery downstream to the user. Buffering content <u>for delivery downstream</u> is clearly not the same thing as buffering <u>by a media client</u> as disclosed by the citation to Colville. Accordingly, the Appellant respectfully asserts that claim 2 is allowable for at least the reason that the cited language does not disclose buffering as recited in claim 2. Claim 2 is also allowable for at least the reason that it depends from allowable claim 1, and for at least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c).

Dependent Claim 40

Claim 40 is rejected as obvious over Gaydos in view of Colville. Claim 40 recites:

> The system of claim 39, wherein the content server buffers the retrieved content. (Emphasis added).

To support a rejection of claim 40, the Final Office Action states on page 5 that:

> Colville et al teaches a startup method and apparatus for use in streaming content. Furthermore, Colville at al teaches buffering the retrieved content (See page 4, paragraph [0048]).

As discussed above, the cited language from Colville discloses a media client that buffers content. The invention of claim 40, in contrast, recites that the content server buffers the content. Buffering as disclosed by the citation to Colville clearly does not teach or disclose buffering by the content server as recited in claim 40. Accordingly, claim 40 is allowable for at least the reason that the cited language does not disclose buffering by a content server as recited in claim 40. Claim 40 is also allowable for at least the reason that it depends from allowable claim 39, and for at least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c).

Dependent Claims 3, 5, 10-12, 21-22, 24, 29-31, 41, 43, and 48-50

Claims 3, 5, 10-12, 21-22, 24, 29-31, 41, 43, and 48-50 are rejected as obvious over Gaydos in view of Colville, and are allowable for at least the reason that each depends directly or indirectly from an allowable claim. Claims 3, 5, 10-12, 21-22, 24, 29-31, 41, 43, and 48-50 are also allowable for least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c).

Dependent Claims 6, 25, and 44

Claims 6, 25, and 44 are rejected as obvious over Gaydos in view of DeRodeff, and are allowable for at least the reason that each depends from an allowable independent claim. Claims 6, 25, and 44 are also allowable for least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c).
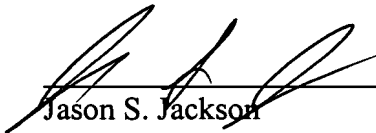
Dependent Claims 15-17, 34-36, and 53-55

Claims 15-17, 34-36, and 53-55 are rejected as obvious over Gaydos in view of Peterka, and are allowable for at least the reason that each depends from an allowable independent claim. Claims 15-17, 34-36, and 53-55 are also allowable for least the reason that Gaydos is not a proper obviousness reference pursuant to 35 U.S.C. § 103(c).

CONCLUSION

For at least the reasons above, the pending claims are believed to be patentable over the cited references. Accordingly, the Appellant requests reversal of the rejections and allowance of the pending claims. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully Submitted,

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(9)   CLAIMS APPENDIX

1.   (Previously Presented) A method for handling content request and delivery, comprising the steps of:

receiving at least one request for content sent upstream from at least one user over a first network;

sending the request for content upstream from a content server to a content library over a second network;

receiving content retrieved from the content library, based on the request, and sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network; and

processing the retrieved content for delivery downstream to the user.

2.   (Original) The method of claim 1, wherein the step of processing comprises buffering the retrieved content.

3.   (Original) The method of claim 2, wherein the buffering of the retrieved content reduces variations in a rate of delivery of the retrieved content to the user.

4.   (Original) The method of claim 1, further comprising sending the retrieved content downstream to the user over the first network.

5.   (Original) The method of claim 4, wherein the downstream bandwidth of the first network is greater than the upstream bandwidth of the first network.

6.   (Original) The method of claim 1, wherein the first network includes an RF network.

7.   (Original) The method of claim 1, wherein the third network has high bandwidth for   ·
delivering content downstream from the content library compared to the bandwidth of the second
network for sending requests upstream to the content library.

8.   (Original) The method of claim 1, wherein the second network and the third network are
distinct logical networks.

9.   (Original) The method of claim 8, wherein the second network and the third network are
distinct physical networks.

10.   (Original) The method of claim 1, wherein after an initial request for content is sent to the
content library, the step of sending a request for content is repeated for subsequent requests.

11.   (Original) The method of claim 10, wherein if content is lost before being delivered
downstream to the user, a request for the lost content is sent upstream to the content library
along with a subsequent request for content.

12.   (Original) The method of claim 10, wherein the step of sending a request for content is
performed while content retrieved based on previously sent requests is received and processed.

13.   (Original) The method of claim 1, wherein the requested content includes at least one of
video data, audio data and binary large object data.

14.   (Original) The method of claim 1, wherein the user is associated with a content-on-
demand subscriber.

15.   (Original) The method of claim 1, wherein the retrieved content received from the
content library is in an encrypted form, and the step of processing includes decrypting the
encrypted retrieved content.

16.   (Original) The method of claim 1, wherein the step of sending the request for content includes sending authentication information to gain access to the content in the content library.

17.   (Original) The method of claim 1, wherein the content library is associated with a content library server that performs file system processing on the content retrieved from the content library.

18.   (Original) The method of claim 1, wherein the content retrieved from the content library is received as raw data, and the step of processing includes performing file system processing on the retrieved content.

19.   (Original) The method of claim 1, wherein the step of processing includes transforming the retrieved content into a format suitable for delivery to the user.

20.   (Previously Presented) An apparatus for handling content request and delivery, comprising:

        means for receiving at least one request for content sent upstream from at least one user over a first network;

means for sending the request upstream from a content server to a content library over a second network;

        means for receiving content retrieved from the content library based on the request and sent downstream from the content library to the content server over a third network, wherein the third network is distinct from the second network; and

processing means for processing the retrieved content for delivery to the user.

21.   (Original) The apparatus of claim 20, wherein the processing means includes means for buffering the retrieved content.

22.   (Original) The apparatus of claim 21, wherein the buffering means reduces variations in a rate of delivery of the retrieved content to the user.

23.   (Original) The apparatus of claim 20, further comprising means for sending the retrieved content downstream to the user over the first network.

24.   (Original) The apparatus of claim 23, wherein the downstream bandwidth of the first network is greater than the upstream bandwidth of the first network.

25.   (Original) The apparatus of claim 20, wherein the first network includes an RF network.

26.   (Original) The apparatus of claim 20, wherein the third network has high bandwidth for delivering content downstream from the content library compared to the bandwidth of the second network for sending requests upstream to the content library.

27.   (Original) The apparatus of claim 20, wherein the second network and the third network are distinct logical networks.

28.   (Original) The apparatus of claim 27, wherein the second network and the third network are distinct physical networks.

29.   (Original) The apparatus of claim 20, wherein after an initial request for content it sent to the content library, the sending means sends subsequent requests.

30.   (Original) The apparatus of claim 29, wherein if content is lost before being delivered downstream to the user, a request for the lost content is sent upstream to the content library along with a subsequent request for content.

31.   (Original) The apparatus of claim 29, wherein the sending means sends requests for content while the content retrieved based on previously sent request is received by the receiving means and processed by the processing means.

32.   (Original) The apparatus of claim 20, wherein the requested content includes at least one of video data, audio data, and binary large object data.

33.   (Original) The apparatus of claim 20, wherein the user is associated with a content-on-demand subscriber.

34.   (Original) The apparatus of claim 20, wherein the retrieved content received from the content library is in an encrypted form, and the processing means includes means for decrypting the encrypted retrieved content.

35.   (Original) The apparatus of claim 20, wherein the means for sending the request for content sends authentication information to gain access to the content in the content library.

36.   (Original) The apparatus of claim 20, wherein the content library is associated with a content library server that performs file system processing on the content retrieved from the content library.

37.   (Original) The apparatus of claim 20, wherein the content retrieved from the content library is received as raw data, and the step of processing includes performing file system processing on the retrieved content.

38.   (Original) The apparatus of claim 20, wherein the processing means transforms the retrieved content into a format suitable for delivery to the user.

39.   (Previously Presented) A system for handling content request and delivery, comprising:
        a first network over which at least one request for content is received upstream from at least one user;
        at least one content server for receiving the request for content sent upstream from the user over the first network;
        a second network over which the request is sent upstream from the content server to a

content library, the content library for receiving the request sent upstream from the content server, wherein content is retrieved from the content library based on the request; and

a third network for delivering the retrieved content from the content library downstream to the content server, wherein the content server processes the retrieved content for delivery downstream to the user.

40.   (Previously Presented) The system of claim 39, wherein the content server buffers the retrieved content.

41.   (Original) The system of claim 40, wherein the buffering reduces variations in a rate of delivery of the retrieved content.

42.   (Previously Presented) The system of claim 39, wherein the content server sends the retrieved content downstream to the user over the first network.

43.   (Original) The system of claim 42, wherein the downstream bandwidth of the first network is greater than the upstream bandwidth of the first network.

44.   (Original) The system of claim 39, wherein the first network includes an RF network.

45.   (Original) The system of claim 39, wherein the third network has high bandwidth for delivering content downstream from the content library compared to the bandwidth of the second network for sending requests upstream to the content library.

46.   (Original) The system of claim 39, wherein the second network and the third network are distinct logical networks.

47.   (Original) The system of claim 46, wherein the second network and the third network are distinct physical networks.

48. (Previously Presented) The system of claim 39, wherein after an initial request for content is sent to the content library, the content server continues sending subsequent requests for content.

49. (Original) The system of claim 48, wherein if content is lost before being delivered downstream to the user, a request for the lost content is sent upstream to the content library along with a subsequent request for content.

50. (Previously Presented) The system of claim 48, wherein the content server continues requesting content from the content library while content is being retrieved based on previously sent requests, delivered to the content server, and processed by the content server.

51. (Original) The system of claim 39, wherein the requested content includes at least one of video data, audio data, and binary large object data.

52. (Original) The system of claim 39, wherein the user associated with a content-on-demand subscriber.

53. (Previously Presented) The system of claim 39, wherein the content is received at the content server in an encrypted form, and the processing performed by the content server includes decrypting the retrieved content.

54. (Previously Presented) The system of claim 39, wherein the content server sends authentication information with the request for content to the content library to gain access to the content in the content library.

55. (Original) The system of claim 39, wherein the content library is associated with a content library server that performs file system processing on the content retrieved from the content library.

56.   (Previously Presented) The system of claim 39, wherein the content retrieved from the content library and sent to the content server is raw data, and the content server performs file system processing on the retrieved content.

57.   (Previously Presented) The system of claim 39, wherein the content server transforms the retrieved content into a format suitable for delivery to the user.

(10) EVIDENCE APPENDIX

None.

(11) RELATED PROCEEDINGS APPENDIX

None.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

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Jason S. Jackson   Date

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